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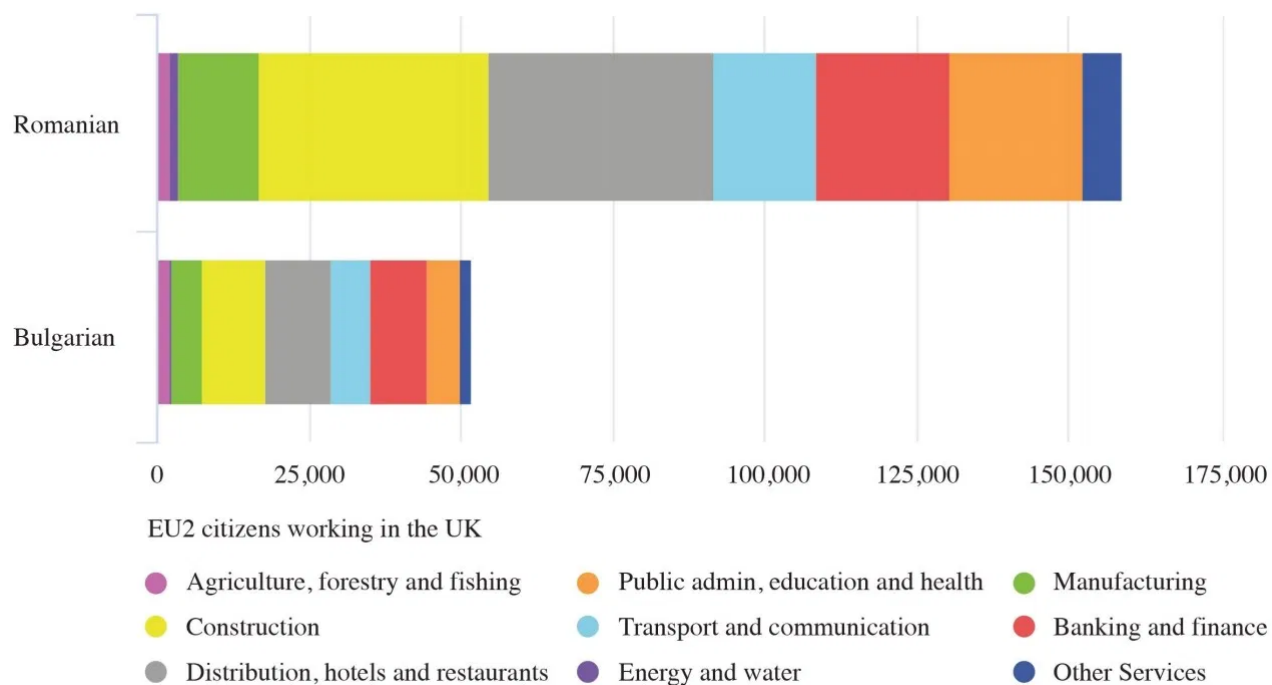


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Romanian and Bulgarian nationals, labelled [A2/EU2](#) migrants since 2007 when Romania and Bulgaria joined the European Union (EU), have a long history of labour discrimination in Britain. The EU and the UK have an ethical responsibility to outline provisions so that Brexit does not further marginalize the very same group of workers who already face discrimination in the British labour market.

Consigned to be precarious workers

On 17 October, 2006, the EU Council confirmed the [accession](#) of Romania and Bulgaria to membership in the Union. The UK imposed transitional migration limits aimed at preventing Romanian and Bulgarian nationals from freely accessing domestic labour markets for a period of seven years. EU2 nationals could only work under conditions, which primarily meant either being self-employed or working in specific sectors of the labour market, [agriculture and hospitality](#). As a result, A2 immigrants were consigned to a [liminal conditional status](#) as [precarious workers](#), allowed to work in certain kinds of roles and excluded from the workplace rights and benefits available to British and other EU citizens.



A2 nationals working in the UK by industry of employment

Some workers need more protection than others



however, was any discussion of just who are the workers who would be most affected.

Most of the A2 nationals currently working in the UK, **estimated** to be about half a million, will most likely continue to live there after Brexit: their right to permanent residence is guaranteed under **Article 15 of the Withdrawal Agreement**, as long as they have legally resided in the country for a cumulative period of at least five years before and during the transition period.

Uncertainty about future provisions to counter discrimination

Article 24 of the Withdrawal Agreement addresses workers' rights post-Brexit. There are several limitations, however, that fail to guarantee that A2 nationals will not suffer discrimination in the labour market.

Under **Article 24, 1(a)**, while 'the right not to be discriminated against on grounds of nationality in regard to employment, remuneration and other conditions of work and employment' is clearly stipulated, there are no specific provisions that would directly enforce the prohibition against such forms of discrimination. While A2 nationals currently benefit, on paper, from 'equal treatment' it is clear that **exploitative practices** are all too common in practice.

Statistically speaking, 61% of A2 nationals in the UK are already employed in **low-paid work**, compared to 43% of British nationals and national statistics show that 61% of A2 migrants work more than **40 hours a week**, compared to 32% of their British counterparts.

Together, these numbers suggest that A2 nationals represent a group of workers needing stronger state protection than British nationals. Yet the EU-UK deal provides no guarantees that such labour market divides will not be further entrenched during and after the Brexit transition period.

No guarantees of social benefits

Under **Article 24, 1(d)** workers protected by the withdrawal agreement retain 'the right to social and tax advantages' in theory, but whether this will be meaningful in practice remains unclear. In an **Analytical Note on social and tax advantages and benefits** under EU law done for the European Commission, the EU rapporteurs found that in certain Member States, the EU workers and their family members do not have the same access to social benefits and advantages as the national workers. The UK already imposes restrictions on access to benefits for EU citizens, and the WA could have been an opportunity to address this and provide greater protections.

This matters for many A2 citizens. Child benefits payments for 2015/2016 show Romania, for example, to be the second highest receiver, after Poland, with **60,000 claims**. EU2 benefit entitlements totalled £25 million for Bulgarian nationals and £80 million for Romanian nationals already residing in the UK in 2015/2016, and £8 million for Bulgarian nationals and £37 million for Romanian nationals who entered the UK in 2015/2016. Yet there are no provisions in the EU-UK Agreement to guarantee that such



and 2018.

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